

JAMES E. SMYTH II
Nevada Bar No. 6506
LISA J. ZASTROW
Nevada Bar No. 9727
KAEMPFER CROWELL
8345 West Sunset Road, Suite 250
Las Vegas, Nevada 89113
Telephone: (702) 792-7000
Fax: (702) 796-7181
jsmyth@kcnvlaw.com
lzastrow@kcnvlaw.com
Attorneys for Westgate Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BLUE MOON MARKETING, LLC, a Nevada) Case No. 2:13-cv-02238
limited-liability company,)
Plaintiffs,)

vs.)

SCOTT R. MATTHEWS, an individual; TRAVEL)
EXCURSION NETWORK, LLC, a Florida limited-)
liability company; 4 STAR HOLDINGS LLC, a)
Florida limited liability company, ALLAN R.)
LEFFLER, an individual; TRACEY L. LEFFLER,)
an individual, PRESTIGE TRAVEL SYSTEMS,)
INC., a Florida corporation; RON LASCALA, an)
individual; SUMMER BAY RESORTS CROWN)
CLUB, LLC, a Florida limited-liability company;)
PHILLIP BREWER, an individual; WESTGATE)
RESORTS, LTD., a Florida limited partnership;)
WESTGATE RESORTS, LLC, a Florida limited-)
liability company; WESTGATE RESORTS, INC.,)
Florida corporation; RW ADVERTISING, INC., an)
Illinois corporation; REVENUE FRONTIER, LLC,)
a California foreign limited-liability company;)
CALL SERVICES INTERNATIONAL LLC,)
Florida limited- liability company; and DOES 1-10,)
inclusive,)

Defendants.)

**DEFENDANTS' UNOPPOSED
MOTION FOR AN EXTENSION OF
TIME TO FILE A RESPONSE TO
PLAINTIFF'S COMPLAINT (FIRST
REQUEST)**

**DEFENDANTS' UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO FILE A
RESPONSE TO PLAINTIFF'S COMPLAINT (FIRST REQUEST)**

Pursuant to Fed. R. Civ. P. 6(b)(1)(A) and this Court's Local Rules 6-1 and 6-2, Defendants WESTGATE RESORTS, LTD., WESTGATE RESORTS, LLC, and WESTGATE RESORTS, INC. ("Defendants"), hereby files its unopposed motion (the "Motion") for an extension of time of fourteen (14) days, up to and including January 22, 2014, to file a response to Plaintiff's Verified Complaint [DE1] and states that:

1. Local Rule 6-1(a) requires that "[e]very motion requesting a continuance, extension of time, or order shortening time shall be 'Filed' by the Clerk and processed as an expedited matter. *Ex parte* motion and stipulations shall be governed by LR 6-2."

2. Local Rule 6-2(a) requires the following:

"Any stipulations, *ex parte* or unopposed motions requesting a continuance, extension of time, and any other stipulation requiring an order shall not initially be "Filed" by the Clerk, but shall be marked "Received." Every such stipulation, or *ex parte* or unopposed motion shall include an "Order" in the form of a signature block on which the Court or Clerk can endorse approval of the relief sought. This signature block shall not be on a separate page, but shall appear approximately one inch (1") below the last typewritten matter on the right-hand side of the last page of the stipulation or *ex parte* or unopposed motion..."

As seen below, the instant unopposed Motion conforms with LR 6-2(a).

3. Local Rule 6-1(b) requires that "[e]very motion or stipulation to extend time shall inform the Court of any previous extensions granted and state the reasons for the extension requested."

4. No previous request for an extension has been made.

5. Via e-mail attached as Exhibit "A" and dated January 2, 2014, Plaintiff's counsel agreed to Defendants' request for a fourteen (14) day extension of time to respond to the Complaint. Additionally, via a telephone call on January 6, 2014, Plaintiff's counsel agreed that

1 Defendants' Motion should be made as an unopposed motion.

2 6. Defendants request the extension to further investigate the allegations made by
3 Plaintiff and to continue conversations with Plaintiff's counsel that may resolve the Complaint as
4 it pertains to the Defendants.

5 7. Defendants were served with the Complaint on December 18, 2013. Pursuant to
6 Fed. R. Civ. P. 12, Defendants time to respond to the Complaint therefore currently expires on
7 January 8, 2014. Because Defendants' time to respond to the Complaint has not yet expired, the
8 instant Motion is timely made.

9 8. Fed. R. Civ. P. 6(b) allows the Court discretion to enlarge time periods and Local
10 Rules 6-1 and 6-2 provide this Court's rules governing extensions of time.

11 9. This Motion is made in good faith and not for the purposes of delay and will not
12 prejudice any party.

13 ////

14 ////

15 ////

16 ////

17 ////

18 ////

19 ////

20 ////

21 ////

22 ////

23 ////

24 ////

1 WHEREFORE, WESTGATE RESORTS, LTD., WESTGATE RESORTS, LLC, and
2 WESTGATE RESORTS, INC., respectfully request that the Court enlarge the time to file a
3 response to Plaintiff's Complaint so that WESTGATE RESORTS, LTD., WESTGATE
4 RESORTS, LLC, and WESTGATE RESORTS, INC., shall have fourteen (14) additional days to
5 file a response to Plaintiff's Verified Complaint, making the response due on January 22, 2014.

6 Dated: January 7, 2014

Respectfully Submitted,

7 By: _____

8 JAMES E. SMYTH II,
Nevada Bar No. 6506
9 LISA J. ZASTROW
Nevada Bar No. 9727
10 KAEMPFER CROWELL
8345 West Sunset Road, Suite 250
11 Las Vegas, Nevada 89113
Telephone: (702) 792-7000
12 Fax: (702) 796-7181
jsmyth@kcnvlaw.com
13 lzastrow@kcnvlaw.com
Attorneys for Westgate Defendants
14
15

16 **IT IS SO ORDERED.**

17 Dated: January ⁸, 2014

By: _____

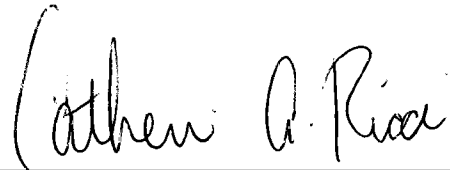

18 GEORGE FOLEY, JR.
United States Magistrate Judge
19
20
21
22
23
24

CERTIFICATE OF SERVICE

I hereby certify that the following **DEFENDANTS' UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO FILE A RESPONSE TO PLAINTIFF'S COMPLAINT (FIRST REQUEST)** was filed with the clerk of the court by using the CM/ECF system on this 7th day of January, 2014. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the Service List below in the manner specified, either via transmission of Notices of Electronic Filing generated by the CM/ECF system or in some other authorized manner for those counsel or parties who are not authorized to receive Notices of Electronic Filing electronically.

SERVICE LIST

Matthew W. Treu
Law Office of Matthew W. Treu, P.C.
7201 W. Lake Mead Blvd.
Suite 108
Las Vegas, NV 89128
702-838-4580
Fax: 702-552-6002
Email: matthew@treu-law.com
Attorney for Plaintiff



An employee of Kaempfer Crowell

EXHIBIT A

Scott Wellikoff

From: Matthew Treu [matthew@treu-law.com]
Sent: Thursday, January 02, 2014 12:16 PM
To: Scott Wellikoff
Cc: Jeffrey Backman; Richard Epstein; Michael Marder
Subject: RE: (00108.2471) Blue Moon Marketing LLC v Matthews, Westgate et al [IWOV-ACTIVE.FID8539569]

Scott,

Please allow this email to confirm the two-week extension that I previously agreed to with Michael. I'll get back to you on the phone number.

Thanks,
Matthew

Matthew W. Treu, Esq.
Law Office of Matthew W. Treu, P.C.
7201 W. Lake Mead Blvd., Suite 108
Las Vegas, Nevada 89128
Phone: (702) 838-4580
Fax: (702) 552-6005
Website: www.treu-law.com